

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN KARL RAY BUNTON,

Plaintiff,

v.

CITY OF MENDOTA POLICE CHIEF, et al.,

Defendants.

Case No. 1:23-cv-00211-SAB

ORDER DENYING MOTION TO IMPOSE
SANCTIONS ON MONTANA STATE
PRISON FOR ACCESS TO COURT
VIOLATION

(ECF No. 10)

Plaintiff Benjamin Karl Ray Bunton (“Plaintiff”), currently incarcerated at the Montana State Prison (“MSP”) in Deer Lodge, Montana and proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On March 3, 2023, the Court granted Plaintiff’s motion to proceed *in forma pauperis*. (ECF No. 8.)

On March 9, 2023, Plaintiff filed a motion to impose sanctions on MSP officials for purportedly violated his right to access the courts. (ECF No. 10.) Plaintiff claims staff at MSP are denying him legal material, such as paper, envelopes, and access to photocopies, which prevented him from further responding to the Court’s order to submit additional trust fund documents in support of his application to proceed *in forma pauperis*. Plaintiff claims that, as a result of attempting to obtain such documents, he was placed in administrative segregation. Plaintiff further claims that, while he remains in administrative segregation, MSP staff continue to violate his rights by confiscating his legal documents and religious materials. Therefore, Plaintiff

1 seeks an order sanctioning the MSP staff for their purported conduct.

2 Plaintiff's motion must be denied. First, the Court notes Plaintiff's arguments regarding
3 applying for *in forma pauperis* status are moot, as the Court granted Plaintiff's application on
4 March 3, 2023. (ECF No. 8.) As to Plaintiff's remaining claims, the Court notes it does not have
5 jurisdiction over prison staff at Montana State Prison and, therefore, cannot issue sanctions or other
6 order against MSP staff. Rather, Plaintiff must seek relief through the prison grievance system at
7 MSP and the appropriate court that may exercise jurisdiction over MSP.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for sanctions (ECF No.
9 10) is DENIED.

10
11 IT IS SO ORDERED.

12 Dated: March 13, 2023


UNITED STATES MAGISTRATE JUDGE